

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JESSICA LERICHE,

Plaintiff,

Civil Action No.:

-against-

COMPLAINT

NORTHSTAR LOCATION SERVICES, LLC,

DEMAND FOR JURY TRIAL

Defendant(s).
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Plaintiff, JESSICA LERICHE ("Plaintiff"), by and through her attorneys, M. Harvey Rephen & Associates, P.C., as and for her Complaint against the Defendant, NORTHSTAR LOCATION SERVICES, LLC. (hereinafter referred to as "Defendant(s)"), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on her own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff JESSICA LERICHE is a resident of the State of New York, residing at 215 Tree Avenue, Central Islip, New York 11722-2748.

3. Defendant, NORTHSTAR LOCATION SERVICES, LLC. is a limited liability company with an office at 4285 Genesee Street, Cheektowaga, New York 14225-1943.

4. Plaintiff is a "consumer" as defined by the FDCPA, 15 USC §1692 a (3).

5. Defendant is a "debt collector" as the phrase is defined and used in the

FDCPA under 15 USC §1692a (6).

JURISDICTION AND VENUE

6. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the State law claims in this action pursuant to 28 U.S.C. §1367(a).

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

8. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “7” herein with the same force and effect as if the same were set forth at length herein.

9. Upon information and belief, Defendant, on behalf of a third-party, began efforts to collect an alleged consumer debt from the Plaintiff.

10. Upon information and belief, and better known to the Defendant, Defendant began its campaign of communications with the Plaintiff on January 15, 2014 by placing a call to telephone number 631 342 0978 and leaving a voice message.

11. The Defendant’s voice message was spoken by a female employee of Defendant who identified herself as “Elaine Cardwell” who stated that her message was intended for Plaintiff and requested a call to Defendant at 866 677 2551. Ms. Cardwell further stated, “This is not a sales or promotional call, this is a communication from a professional debt collector in regards to an attempt to collect a debt. Any and all information obtained will be used for that purpose.”

12. The telephone number 631 342 0978 at which Defendant’s employee, Ms.

Cardwell, left the aforementioned message belongs to Plaintiff's mother, Inez Nicaisse, and the recorded greeting on her telephone conveys this information before requesting that callers leave a message.

13. On January 15, 2014, Plaintiff's mother heard Defendant's voice message and learned that her daughter was being called by a "professional debt collector" about a debt.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "13" herein with the same force and effect as if the same were set forth at length herein.

15. 15 USC §1692c(b) prohibits a debt collector from disclosing to a third party without permission from the consumer that the consumer is being contacted by a debt collector concerning a debt.

16. The Defendant violated 15 USC §1692c (b) by leaving an unauthorized voice message which communicated to the Plaintiff's mother, Inez Nicaisse, on January 15, 2014 that the Plaintiff was being contacted by a debt collector regarding a debt.

17. As a result of Defendant's neglect in leaving a message on a voice mail belonging to a third party, Plaintiff suffered embarrassment and distress and according to 15 USC §1692k(a)(1), Defendant is liable to Plaintiff for damages sustained as a result of their failure to comply with §1692 et seq. of Title 15 of the United States Code (the FDCPA).

DEMAND FOR TRIAL BY JURY

18. Plaintiff hereby respectfully requests a trial by jury for all claims and issues

in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment from the Defendants as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
March 24, 2014

Respectfully submitted,

By: /s/ M. Harvey Rephen
M. Harvey Rephen, (MR3384), Esq.
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Attorney for the Plaintiff JESSICA LERICHE

To: Northstar Location Services, LLC.
4285 Genesee Street
Cheektowaga, New York 14225

(Via Prescribed Service)

Clerk,
United States District Court, Eastern District of New York

(For Filing Purposes)

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